



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,493	02/04/2000	Mark Lucente	10244-004	7556

20582 7590 02/13/2004

JONES DAY

51 Louisiana Avenue, N.W.

WASHINGTON, DC 20001-2113

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
----------	--------------

2654

13

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/497,493

Applicant(s)

LUCENTE ET AL.

Examiner

Angela A. Armstrong

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/21/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-10 and 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 21, 2003 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-10 and 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hemphill et al, "Speech Aware Multimedia" in view of Fries et al (US Patent No. 6,513,031).
3. As per claims 10 and 20, Hemphill et al. discloses a method comprising;  
receiving a first statement in a natural language from a user, (see page 77, left column, last paragraph, "How's the whether look today?")  
generating first information based on a first statement, (see page 77, Fig. 3, Table 1, step 1 and right column, 5th full paragraph "... the user utters 'How's the weather look today?");

storing context information of at least one of the first statement and the first information, (see page 77, left column, first full paragraph, "current visible page defines a context");

optionally generating a question to be presented to the user in the natural language based on the context information, (see page 77, Fig. 3, "Speak the city-name ..." and page 76, right column, "SAM . . . could detect the ambiguity and offer a choice to the user . . . ");

receiving a second statement in the natural language from the user, (see page 77, Table 1 step 4 and left column, first full paragraph, "the user decides to utter "Chicago"");

generating second information based on a second statement and the information, (see page 77, Table 1 step 4 and left column, first full paragraph, "the user decides to utter "Chicago";

Table step 6).

Hemphill does not specifically teach providing a superlative of the first information based on the context information, wherein the first information includes a plurality of items that can be compared with each other.

Fries teaches a system for aiding a user in searching a computer environment which includes retrieving a search query from the user and provides for fine tuning of a search query via a disambiguation screen in which a user clarifies a word in the original query so as to restrict the search to specific time frames and/or conditions (col. 25, line 40 continuing to col. 26, line 48; col. 27, line 44 continuing to col. 28, line 6). Fries teaches providing for the modification of the search query to remove ambiguities creates a query that better reflects the user's searching intention (col. 28, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Hemphill to provide for a superlative of information to compare information, as taught by Fries, for the purpose of creating a query that better reflects the user's searching intention, as suggested by Fries, so as to provide the correct information the user desired and thereby improving the performance of the search engine.

As per claim 2, Hemphill et al. disclose a method comprising:  
incorporating content information generated based on the second information into output to a user, (see Table step 6).

As per claim 3, Hemphill et al. disclose a method comprising:  
dynamically generating the web page based on the content information, (see page 77, right column); querying a database using the first query to thereby generate the first information, (see page 77, right column).

As per claims 4-5, Hemphill et al. disclose a method comprising;  
generating grammatical data for the first statement, see page 77, right column, "the browser observes the grammar link and ask the web for the grammar . . . ");  
generating one or more parsing tokens based on the grammatical data, (see page 77, right column, first full paragraph);  
storing the parsing tokens as part of the context information, (see page 77, right column, first full paragraph).

As per claims 6-8, Hemphill et al. disclose a method comprising:  
Identifying linguistic structures in the second statement based on the context information, (see page 77, table 1, step 5)

As per claim 9, Hemphill et al. disclose a method comprising:  
storing and updating the context information each time a new statement in the natural language is received, (see page 75, section "speakable links").

As per claims 12-21, claims 12-21 are similar in scope and content to claims 2-10 rejected above, and therefore claims 12-21 are rejected under the same rationale.

***Response to Arguments***

4. Applicant's arguments with respect to claims 2-10 and 12-21 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2654

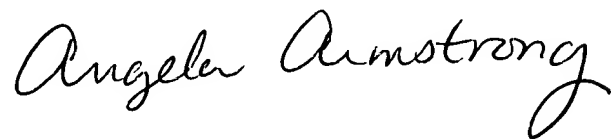
*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A. Armstrong  
Examiner  
Art Unit 2654



AAA  
February 6, 2004